



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Discussion and Possible Action Regarding Option to Refer the Proposed Large-Scale Retail Initiative Measure to any City Agency or Agencies for a Report on Its Effect on Municipal Operations (Pursuant to California Elections Code Section 9212)

MEETING DATE: June 2, 2004

PREPARED BY: City Clerk

RECOMMENDED ACTION: That Council discuss and take appropriate action, if desired, to order a report on the municipal impacts of the proposed Large-Scale Retail Initiative.

BACKGROUND INFORMATION: Proponents of the Large-Scale Retail Initiative have expressed concern about the short timeframe they are under to qualify the petition for the November ballot, and specifically, how Elections Code Sections 9212(a), 9214(c), and 9215(c), which allow Council the option of ordering a report on the measure's effect on municipal operations, could further delay action to place it on the ballot.

A report can be ordered by Council either during circulation of the petition or at the regular meeting at which the certification of the petition is presented. To expedite the process, the proponents would prefer that if Council desires such a report be prepared, that it be ordered immediately, rather than waiting until the meeting at which the petition is certified. Community Development Director Bartlam will be available to answer questions regarding the purpose, possible content, and feasibility of preparing such a report if Council expresses an interest in doing so.

California Elections Code:

9212. (a) During the circulation of the petition, or before taking either action described in subdivisions (a) and (b) of Section 9214, or Section 9215, the legislative body may refer the proposed initiative measure to any city agency or agencies for a report on any or all of the following:

- (1) Its fiscal impact.
 - (2) Its effect on the internal consistency of the city's general and specific plans, including the housing element, the consistency between planning and zoning, and the limitations on city actions under Section 65008 of the Government Code and Chapters 4.2 (commencing with Section 65913) and 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.
 - (3) Its effect on the use of land, the impact on the availability and location of housing, and the ability of the city to meet its regional housing needs.
 - (4) Its impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks, and open space. The report may also discuss whether the measure would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses.
 - (5) Its impact on the community's ability to attract and retain business and employment.
 - (6) Its impact on the uses of vacant parcels of land.
 - (7) Its impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization.
 - (8) Any other matters the legislative body requests to be in the report.
- (b) The report shall be presented to the legislative body within the time prescribed by the legislative body, but no later than 30 days after the elections official certifies to the legislative body the sufficiency of the petition.

FUNDING: None required.

Susan J. Blackston, City Clerk

SJB/jmp

APPROVED:

H. Dixon Flynn, City Manager